BILL NO. S-88-06- 10

SPECIAL ORDINANCE NO. S- 92-88

AN ORDINANCE authorizing the transfer of certain real estate (Old Fort Wayne) to the Allen County - Fort Wayne Historical Society, Inc. and the execution of a certain release relating to the October 22, 1974, Old Fort Wayne concessionaire agreement.

WHEREAS, a certain agreement was entered into by and between the City of Fort Wayne, Indiana, Historic Fort Wayne, Inc. and the Allen County - Fort Wayne Historical Society, Inc. on October 22, 1974, concerning the construction and operation of "Old Fort Wayne";

WHEREAS, said agreement expired October 22, 1984, and has never been renewed and extended;

WHEREAS, Historic Fort Wayne, Inc. has been merged into the Allen County - Fort Wayne Historical Society, Inc.;

WHEREAS, the Allen County - Fort Wayne Historical Society, Inc. desires to expand and improve its educational programs at "Old Fort Wayne";

WHEREAS, some of the real estate within the boundaries of "Old Fort Wayne" is titled in the name of the City but other parcels are titled in the name of the Allen County-Fort Wayne Historical Society, Inc.;

WHEREAS, consolidation of ownership of the real estate within the boundaries of "Old Fort Wayne" would facilitate fund raising and future development related to "Old Fort Wayne";

WHEREAS, the City desires to transfer title to said real estate to the Allen County - Fort Wayne Historical Society, Inc. an Indiana not-for-profit corporation organized for educational and charitable purposes and exempt from federal income taxation under Section 501 of the Internal Revenue Code;

WHEREAS, certain confusion exists as whether certain obligations of Historic Fort Wayne, Inc. to the City of Fort Wayne under the October 22, 1974, agreement remain unfulfilled;

WHEREAS, the City denies to release the Allen County-Fort Wayne Historical Society, Inc. from any obligations under the October 22, 1984 agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the transfer of the real estate described in a certain warranty deed attached hereto and made a part hereof as Exhibit "A" is hereby approved.

SECTION 2. That the release of the Allen County - Fort Wayne Historical Society, Inc. from any obligations to the City of Fort Wayne under the October 22, 1974, Old Fort concessionaire agreement is hereby approved.

SECTION 3. That the appropriate officers of the City of Fort Wayne are hereby authorized to execute the warranty deed attached hereto as Exhibit "A" as well as any other deeds or documents necessary to establish and vest title to the Old Fort Wayne real estate in the Allen County - Fort Wayne Historical Society, Inc.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

SPECIAL MUNICIPAL WARRANTY DEED

THIS INDENTURE WITNESSTH, that the City of Fort Wayne, an Indiana Municipal Corporation, of Allen County, State of Indiana, does hereby convey and specially warrant to the Allen County-Fort Wayne Historical Society, Inc., an Indiana not-for-profit Corporation, for and in consideration of One Dollar ($1.00), the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Allen County, State of Indiana, to-wit:

Lot 1 in vacated Eliza K. Bossler's Subdivision of Part of Lot Number 5 of Well's Reserve, except the East 30 feet of the North 60 feet and except the North 10 feet of the West 10 feet of said Lot; and

Lots 2, 3, 4 and the east 5.5 feet of Lot 5 in vacated Eliza K. Bossler's Subdivision of Part of Lot Number 5 of Well's Reserve, except the North 10 feet thereof, and 1/2 vacated Bossler Avenue; and

Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 in Eliza K. Bossler's Subdivision of Part of Lot Number 5 of Well's Reserve, together with 1/2 the abutting alley, and vacated River Street; and

Lots number 3 and Lot 4 of Bossler's Addition to the city of Fort Wayne except the West 45 feet of the North 8 feet of said Lot 4, together with 1/2 the abutting vacated alley; and

Lots 69, 70, 71, 72, and 73 in Baltes and Romy's Addition to the City of Fort Wayne; and

A part of Lot No. 5 in Wells Reserve located in Township 30 North, Range 12 East, in the City of Fort Wayne, Indiana, described more particularly as follows, to-wit:

Beginning at a point on the west line of Spy Run Avenue where the same is intersected by the north line of a ten foot alley, which alley leads directly west into a platted Street known as Bossler Avenue in the plat of Eliza Bossler's Subdivision to the City of Fort Wayne, Indiana, this point being the southeast corner of real estate herein described; thence north along the west line of Spy Run Avenue, distance of 36 feet; thence west along a line running parallel with the north line of the alley heretofore mentioned, a distance of 142.0 feet; thence in a north-westerly direction to a point on the east line of Lot No. 1 of Eliza Bossler's Subdivision to the City of Fort Wayne, which point is located 43 feet north of the southeast corner of said Lot No. 1, a distance of 12 feet; thence south along the east line of said Lot No. 1 of Eliza Bossler's Subdivision, a distance of 43 feet to the north line of the 10 foot alley heretofore mentioned; thence east along the north line of said alley, a distance of 151.5 feet to the point of beginning; and 1/2 the abutting alley above described; and

The real estate north of the parcel conveyed by Historic Fort Wayne, Inc. to the Allen County-Fort Wayne Historical Society, Inc. dated August 12, 1987 and recorded at document number 87-41643, between the east line of Barr Street and the St. Marys River, which real estate is also described as follows:

Beginning on the east right-of-way of Barr Street at a point 1099.1 feet N 11°-37'W from the point of intersection of said east right-of-way line with the north right-of-way line of Superior Street; thence N 11°-37'W on and along said east

right-of-way line extended to the west bank of the St. Marys River, thence following the meanderings of the west bank of the St. Marys River east and south to a point 186.7 feet N 85°-43'E of the place of beginning, being the northeast corner of the parcel conveyed in document 87-41643, thence 186.7 feet S 85°-43'W to the place of beginning.

Together with any structures and improvements thereon.

Grantor herein certifies under oath that no Indiana Gross Income Tax is due and payable in respect to the transfer made by this deed.

IN WITNESS WHEREOF, the following have hereunto set their hands and seal this _____ day of _____, 1988.

CITY OF FORT WAYNE

BY:_____
W. PAUL HELMKE, JR.
its Mayor

BY:_____
SANDRA E. KENNEDY
its City Clerk

BOARD OF PUBLIC WORKS AND SAFETY

BY:_____
ANGELA F. DERHEIMER,
Director of Public Works

BY:_____
C. DAVID SILLETTO, Director
of Administration and Finance

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, this _____ day of _____, 1988, personally appeared W. Paul Helmke, Jr., and Sandra E. Kennedy, the Mayor and the City Clerk, respectively, of the City of Fort Wayne, and Angela F. Derheimer and C. David Silletto, the Director of Public Works and Director of Administration and Finance, respectively of the The Board of Public Works and Safety to the City of Fort Wayne, Grantor in the above conveyance, and acknowledged the execution of the foregoing Special Municipal Warranty Deed to be their voluntary act and deed, for the uses and purposes herein contained.

IN WITNESS WHEREOF, I have hereto set my name and affixed my official seal.

_____
Notary Public

I am a resident of Allen
County, Indiana and my
commission expires:

_____

This Instrument Prepared by: Yvonne K. Stam, Attorney At Law

Read the first time in full and on motion by Schmidt, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council ~~Conference Room 128, City-County~~ Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 6-14-88

Wanda Eckhoff
Deputy
~~SANDRA E. KENNEDY, CITY CLERK~~

Read the third time in full and on motion by Redd, seconded by GiaQuinta, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BRADBURY	✓			
BURNS	✓			
GiaQUINTA	✓			
HENRY				✓
LONG	✓			
REDD	✓			
SCHMIDT	✓			
STIER				✓
TALARICO	✓			

DATED: 6-28-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) ~~(GENERAL)~~ (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-92-88 on the 28th day of June, 19 88,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Don J. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 19 88, at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of July, 19 88, at the hour of 2:30 o'clock P.M.,E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Admn. Appr._____

DIGEST SHEET

TITLE OF ORDINANCE SPECIAL ORDINANCE S-88-06-10

DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE

SYNOPSIS OF ORDINANCE Transfer certain real estate within the boundaries of "Old Fort Wayne" to the Allen County Historical Society, Inc. and releases said organization from any unfulfilled obligations of the prior operator of "Old Fort Wayne".

EFFECT OF PASSAGE Consolidates ownership of real estate with "Old Fort Wayne" boundaries.

EFFECT OF NON-PASSAGE Confusion over real estate ownership may curtail future development and expansion of "Old Fort Wayne" programs.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) NONE

ASSIGNED TO COMMITTEE (PRESIDENT)_____

Held 6-28-88

BILL NO. S-88-06-10

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ authorizing the transfer of certain real estate (Old Fort Wayne) to the Allen County - Fort Wayne Historical Society, Inc., and the execution of a certain release relating to the October 22, 1974, Old Fort Wayne concessionaire agreement

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES		NO
	DONALD J. SCHMIDT, CHAIRMAN	
	CHARLES B. REDD, VICE CHAIRMAN	
	SAMUEL J. TALARICO	
	JAMES S. STIER	
	JANET G. BRADBURY	

CONCURRED IN 6-28-88.

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk